



Inter Department Correspondence Sheet

TO: Members of City Council

FROM: Breck Daughtrey, City Clerk

COPIES TO: _____

SUBJECT: Minutes of City Council Meeting

January 21, 2015

Attached are the minutes of the Finance, Administration and Economic Development Committee and the City Council meeting held on Tuesday, January 12, 2016.

A handwritten signature in cursive script, appearing to read "Breck".

Breck

NORFOLK, VIRGINIA

FINANCE, ADMINISTRATION AND ECONOMIC DEVELOPMENT COMMITTEE

TUESDAY, JANUARY 12, 2016

Mayor Fraim called the committee meeting to order at 4:00 p.m. with the following members present: Mr. Protogyrou, Mr. Riddick, Mr. Winn, Ms. Johnson, Ms. Graves.

Present for the Employees Retirement System Board: Ms. Stephanie Calliott (Chairman), Mr. Nicholas Nelson, Mr. Eric Tucker, Mr. Kenneth Crowder, Ms. Yvonne Allmond and Mr. Lawrence Bernert, III.

Opening remarks were offered by Mr. Jones, Ms. Calliott and Mr. Bernert. Ms. Calliott noted at the present time the city's fund is at \$972 million.

Ms. Fiona E. Liston, FSA, EA, from Cheiron gave an overview of the pension plan and its funding. There are two levels of defined pension plans: general employees and public safety employees. The plans differ in the size of the benefit that the employee earns for each year of service and also the retirement age at which the employee can receive it.

Ms. Liston next explained the graph handouts showing the historical funding, projected funding, and the financial impact of ad hoc COLAs.

Ms. Liston added that from June 30, 2001 to June 30, 2008 there had been a regular pattern of COLAs, but in 2008, the GASB rules changed. Then in 2014 and 2015 a supplement of \$300 was granted and if the city continues that practice there is a danger of establishing another pattern.

Councilman Protogyrou asked if the bonding agencies consider our fund ratios when giving us our AA⁺ ratings. Mr. Pishko answered yes.

Mayor Fraim commented that the city's defined benefit plan does not include a benefit for a COLA. However, there are other plans that do and they typically ask employees to contribute more than 5 percent. Ms. Liston added that she is aware of some plans that have COLAs where the total cost of the plan is split with the members 50/50.

Councilman Riddick asked what the dollar amount was for the 15 percent deficit with 85 percent funding. Ms. Liston answered the system is \$181 million under-funded.

Councilman Riddick asked what the impact would be for giving retirees a 1.5 percent COLA in 2016. Ms. Liston answered that it would cost approximately \$12 million upfront and approximately \$3 million per year in cost for the next five years.

Councilman Winn asked if the Board is comfortable with the assumed 7 or 6.3 percent return and is that in line with other municipalities. Ms. Calliott answered that they are comfortable with the 6.3 percent. She noted that the 7 percent that is assumed today is not out of line but is not projected based on asset allocations. Ms. Liston added that the average actuarial return assumption for public sector pension plans in general right now tends to be around 7.5.

Vice Mayor Graves asked to see a comparison of Norfolk's plan against other cities in the region as relates to retirees and also how Norfolk's plan affects retention and recruiting practices.

NORFOLK, VIRGINIA

BUSINESS MEETING OF COUNCIL

TUESDAY, JANUARY 12, 2016

President Fraim called the meeting to order at 5:04 p.m. with the following members present: Ms. Graves, Ms. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley and Mr. Winn.

He thereupon reviewed the work session agenda and called for council interests.

A. COUNCIL INTERESTS

1. Councilman Protogyrou:

- Asked for an after-action review to examine the practices and culture of City Hall following the indictment of City Treasurer and former Councilman Anthony Burfoot.
- Asked the administration for a definitive response regarding police vests, stating that the money has been allocated and he wants to know if they have been ordered and when will they be distributed.
- In response to concerns regarding the removal of a makeshift memorial for a fallen officer, he asked the administration to examine the possibility of installing by ordinance a permanent marker or plaque for fallen officers in a safe place closest to the spot where the tragedy occurred.

Councilwoman Whibley stated that it is a grand idea, but she does not want to do for one and not for others. She also stated that she would like to see some consistency on this because it is a very important issue and it needs to be done right.

2. Councilman Winn:

- Asked for an update on the parking issue in Riverview where they are with it and where they are heading, stating that he has been working with the Riverview Business Association on this issue.

3. Councilwoman Whibley:

- Commented about the heroin epidemic and asked if there are plans to provide officers with Naloxone to have available in the case of a heroin overdose.

Chief Goldsmith stated that they have looked at it and are evaluating it and they will keep Council advised.

- Asked when they have a proposal for a development project to include not only environmental and financial concerns but also the impact the project would have on the schools. Also, would like to know ahead of time what the historical significance is if any.
- She stated that they should be looking at some of the causes for the city's flooding concerns as it relates to greenhouse gas emissions.
- Asked for an update on the landscape company at the north end of Colley Avenue.

4. Councilwoman Johnson:

- Received calls from citizens regarding foxes running around the city.

5. Vice Mayor Graves:

- Asked that they take a look at the city's schools to see if there are any issues with disciplinary actions and the criminalizing of non-criminal behavior. She would like to know where they are with the relationship with school resource officers with regard to disciplinary action and any criminal charges that may stem from those activities.

6. Councilman Smigiel:

- Asked for a discussion on the CTE School.

Mayor Fraim suggested they schedule a 2:00 work session within the next 3 to 4 weeks and meet with NPS to discuss CTE schools.

Manager Jones stated that they could set aside some time on the 26th to discuss with NPS.

- He commented with respect to an ordinance that Council enacted that states if a member of Council runs for Mayor they have to resign their seat if they lose the election. He stated that he would like to see that changed.

Mr. Smigiel reported that Rodney Jordan, chair of the schoolboard, is meeting with the Health, Education & Families Subcommittee and as part of that discussion there was an invitation presented to Council to do a joint meeting with them. He stated that in the past the schoolboard has always come to Council and that maybe this time they could go to one of their events and support them. He noted that Mr. Jordan requested that Council meet with them at 4:00 on January 27th.

Manager Jones stated that Mr. Benda has been working on scheduling a joint meeting with the schoolboard.

Mr. Benda stated that they are looking at the 26th here at City Hall.

Mayor Fraim stated that he wouldn't mind coming in at 2:00 to discuss NPS. He suggested they schedule a work session at 2:00 within the next three or four weeks.

Manager Jones stated that even if there is something on the 27th the concept would be to set aside some time on the 26th to discuss Norfolk Public Schools.

B. CLOSED SESSION

Motion for closed session was approved for purposes which are set out in **Clause 3 of subsection (A) of Section 2.2-3711 of the Virginia Freedom of Information Act**, as amended:

- (3) Discussion of the disposition of publicly owned real property in areas of Downtown, North Military Highway and Central Business Park.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, JANUARY 12, 2016 – 7:00 P.M.

President Fraim called the meeting to order at 7:00 p.m.

Prayer offered by Vice Mayor Angelia Williams Graves, followed by the Pledge of Allegiance.

The following members were present: Mrs. Graves, Mrs. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn and Mr. Fraim.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

CEREMONIAL MATTER

President Fraim recognized James Johnson from Troop 303, St. Matthew's Catholic Church, who was present to earn his Citizenship in the Community Badge from the Boy Scouts.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a **Lease Agreement** between the City of Norfolk and Tidewater Utility Construction, Inc., for the Lease of certain city owned property located at **1000 Monticello Avenue, 830 Holt Street, and 317 Chapel Street**.

Thereupon, an Ordinance entitled, "An Ordinance approving a **Lease Agreement** between the City of Norfolk and **Tidewater Utility Construction, Inc.**, for the **Lease** of certain city owned property located at **1000 Monticello Avenue, 830 Holt Street, and 317 Chapel Street**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving the release of a **Utility and Drainage Easement** over a portion of the former right-of-way of **South Cape Henry Avenue**.

Thereupon, an Ordinance entitled, "An Ordinance approving the release of a **Utility and Drainage Easement** over a portion of the former right-of-way of **South Cape Henry Avenue**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

REGULAR AGENDA

R-1

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named '**Jessy's Taco Bistro**' on property located at **328 West 20th Street**," was introduced in writing and read by its title.

Tracy Holland, 2200 Colonial Place, applicant, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named '**The Pancake House and Grill**' on property located at **7633 Granby Street**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as '**Mambo Room Latin Dance Studio**' on property located at **419 West 22nd Street**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-4 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment, not yet named, on property located at **428 and 430 West 24th Street, Suite A,**" was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-5 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as '**Grace O' Malley's Irish Pub and Restaurant**' on property located at **207 Granby Street, Suites 211 and 213,**" was introduced in writing and read by its title.

Rick Henn, 1400 Granby Street, Unit 406, applicant's representative, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-6 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment with alcoholic beverages known as '**Toast**' on property located at **2406 Colonial Avenue, Unit A,**" was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the resumption of a nonconforming use in accordance with the provisions of **Section 12-9** of the **Zoning Ordinance of the City of Norfolk, 1992**, as amended on property located at **517 Warren Crescent and 533 Mill Street**," was introduced in writing and read by its title.

Peter Johnston, 208 E. Plume Street, applicant, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as '**Starving Artist Café**' on property located at **4408 Colley Avenue**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of an **Automobile and Truck Repair** facility named '**J M & M Automotive**' on property located at **5633 East Virginia Beach Boulevard**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-10

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as '**Mermaid Vineyard and Winery**' on property located at **330 West 22nd Street, Suites 104, 105 and 106,**" was introduced in writing and read by its title.

Jennifer Eichert, 305 Brooke Avenue, applicant was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-10A

An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as '**Mermaid Vineyard and Winery**' on property located at **330 West 22nd Street, Suites 104, 105 and 106,**" was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-11

Letter from the City Manager and an Ordinance entitled, "An Ordinance to amend and reordain **Chapter 5, Article II** of the **Norfolk City Code, 1979**, is hereby amended and reordained **SO AS TO** remove the mandatory minimum seating requirements and the prohibition of minors whenever alcoholic beverages are served or sold at public dance halls," was introduced in writing and read by its title.

ACTION: Continued to January 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-12

Letter from the City Manager and an Ordinance entitled, "An Ordinance finding a public necessity for the acquisition in fee simple of certain property located at **107 North Shore Road** for the purpose of construction of a new wastewater pump station; approving the acquisition of the property by **Purchase Agreement** or condemnation; and authorizing the expenditure of a sum of up to \$195,000.00 from funds heretofore appropriated for acquisition of the property and all related transactional costs," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-13

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a \$32,516 **Commonwealth of Virginia, Department of Environmental Quality Grant for Litter Prevention, Recycling and Environmental Educational Programs** and appropriating and authorizing the expenditure of the grant funds for the programs," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-14

Letter from the City Manager and an Ordinance entitled, "An Ordinance permitting the **Colonial Place/Riverview Civic League** to encroach into the right of way at the traffic circle at the corner of **Colonial Avenue and Delaware Avenue** with the placement of a mermaid sculpture," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-15

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a \$32,600.00 grant award from the **U.S. Department of Homeland Security Federal Emergency Management Agency** through the **Virginia Department of Emergency Management**, appropriating and authorizing the expenditures of the funds for the **FY15 State Homeland Security Program** and authorizing the expenditure for the purchase of hazardous materials team equipment for the **Department of Fire-Rescue**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-16

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting an additional grant award in the amount of \$137,327.00 from the **Federal Emergency Management Agency** through the **Hazard Mitigation Grant Program** which includes \$27,465.40 from the **Commonwealth of Virginia** and \$6,866.35 as a cash match from the property owners through the **Hazard Mitigation Grant Program** for the City of Norfolk elevation of four (4) residential structures project and appropriating and authorizing the expenditure of the funds for the project," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-17

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting the sum of \$126,522.00 to the **D 'Art Center**, appropriating the grant funds, authorizing their expenditure, and authorizing the City Manager to enter into a **Grant Agreement** with the **D 'Art Center**," was introduced in writing and read by its title.

Carolyn Phillips and Charity Volman, were present on behalf of the D'Art Center.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

NEW BUSINESS

Tracy Hogge, 7600 Azalea Garden Road, commented on the excessive speeding, and accidents on Azalea Garden Road at the curve and the recently replaced guard rail at that spot was shorter the previous one. He stated speeding vehicles that hit the guard rail have nearly ended up in his house. He asked that action be taken to prevent speeding at this location.

Dante Davis, 4525 Turnworth Arch, Virginia Beach, student from Virginia Wesleyan College, suggested that some of the language in Norfolk City Code should be changed for the followings Sections: License & Taxation; Motor Vehicle and 2 Sections for Streets & Sidewalks. He submitted copies of the suggested changes.

Alphonso King, 2506 Ruffin Street, stated that the house next door to him that fell onto his house and that asbestos was everywhere and he feared his family might have been exposed to it.

John Smiley, 1709 Banning Road, commented that the Norview Recreation Center's equipment was outdated and needs repair before someone gets seriously injured.

John W. Hill, 2906 Mapleton Avenue, spoke regarding his injunction against the City Treasurer from 2008 and asked for an audit and review of that Constitutional office and for a recall of the City Treasurer in light of the recent allegations.

Danny Lee Ginn, 3844 Dare Circle, commented on good government.